

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:00-cr-137-1FDW

UNITED STATES OF AMERICA,)
)
)
v)
)
)
JOSEPH TATE,) ORDER
)
)
Defendant.)

THIS MATTER is before the Court on Defendant's *pro se* motion (Doc # 310) for "further reduction" of his sentence pursuant to 18 U.S.C. § 3582(c)(2).. Defendant's motion is **DENIED** because the sentence in this case was based on the cross-reference to the Murder guideline and not based on the drug amounts involved, as stated in Doc. # 299.

IT IS SO ORDERED.

Signed: February 2, 2010



Frank D. Whitney
United States District Judge
